



City of Annapolis

Department of Planning & Zoning

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Board of Appeals

March 3, 2015

The Board of Appeals of the City of Annapolis held its regularly scheduled meeting on March 3, 2015 in the City Council Chambers. **Chair** Meyers called the meeting to order at 7:06pm.

Members Present: D. Meyers-**Chair**, C. Zazzali-**Vice Chair**, R. Gallagher

Staff Present: G. Elson-Board Attorney, M. Leahy, P. Gutwald, S. Nash, J. Rouse, K. Scott, K. Ruff-P&Z Consulting Attorney

C. APPROVAL OF THE AGENDA

Chair Meyers suggested revising the agenda to move the voting on the meeting minutes to the end of the agenda and to add the signing of an opinion to the agenda. Mr. Gallagher moved to revise the agenda as noted above. **Vice Chair** Zazzali seconded the motion. The motion passed unanimously in a vote of 3-0.

E. PUBLIC HEARING

1. Ritterbush Variance Application, #VAR2015-001

Mr. Scott presented the City's review of the Ritterbush application and recommends approval of the application subject to the conditions placed thereon.

Mr. Michael Dowling presented the Ritterbush's case.

Public testimony opened at 7:14pm and no one from the public spoke in favor or opposition to the application so **Chair** Meyers declared the public testimony closed at 7:15pm.

Chair Meyers accepted the following exhibits into the record.

Exhibit Number	Board of Appeals Exhibit Type
1	Staff memorandum dated February 23, 2015 with attachments

2. Underwood and Werrlein Appeal, #APL2014-002

Dr. Nash discussed the City's review and background of the Underwood and Werrlein appeal.

Mr. Jerome Feldman presented the applicant's appeal of the City's findings.

Mr. Jon Arason testified on the application in support of the applicant position.

Public testimony opened at 8:11pm and no one from the public spoke in favor or opposition of the application so **Chair** Meyers declared the public testimony closed at 8:11pm.

Chair Meyers accepted the following exhibits into the record.

Exhibit Number	Board of Appeals Exhibit Type
1	Staff Memorandum dated February 23, 2015 with attachments

Exhibit Number	Board of Appeals Exhibit Type
2	Affidavit of Posting signed on 3/3/15
3	Affidavit of Notification signed on 3/3/15
4	Baltimore Sun Ad of Notice of the Hearing dated 2/24/15
5	Deed dated 12/29/14 for Underwood and Werrlein property
6	Notarized acknowledgement of the deed – GW-121
7	Photograph of the sidewalk on Duke of Gloucester St.
8	Arason Email to J. Feldman dated 3/3/15
9	Neighborhood photographs of the sidewalks
10	Section 14.20.080 of City Code on Building encroachments on sidewalk

The Board recessed at 8:17pm and reconvened at 8:22pm.

F. DELIBERATIONS

1. Two Farms, Inc. t/a Royal Farms, S.E. #2013-007

Mr. Gallagher moved to deny the application due to the applicant failing to demonstrate the use to be a delicatessen. **Vice Chair** Zazzali seconded the motion. The motion passed unanimously in a vote of 3-0.

2. Ritterbush Variance

Chair Meyers moved to approve the variance request based on the findings of fact and staff report. **Vice Chair** Zazzali seconded the motion. The motion passed unanimously in a vote of 3-0.

3. Underwood and Werrlein Appeal

Vice Chair Zazzali moved that there is not sufficient evidence to overturn the Acting Director of Planning and Zoning's determination. Mr. Gallagher seconded the motion. The motion passed unanimously in a vote of 3-0.

B. APPROVAL OF MINUTES

1. December 17, 2014 Meeting Minutes

Vice Chair Zazzali moved approval of the December 17, 2014 meeting minutes as amended. Mr. Gallagher seconded the motion. The motion passed unanimously in a vote 3-0.

2. February 3, 2015 Meeting Minutes

Vice Chair Zazzali moved approval of the February 3, 2015 meeting as written. **Chair** Meyers seconded the motion passed unanimously 3-0. (Gallagher abstained)

G. SIGNING OF OPINIONS

1. 122 Main Street

Mr. Gallagher moved to approve the opinion for 122 Main Street as written. **Vice Chair** Zazzali seconded the motion. The motion passed unanimously in a vote of 3-0.

H. ADJOURNMENT

With there being no further business, **Vice Chair** Zazzali moved to adjourn the meeting at 9:28pm. Mr. Gallagher seconded the motion. The motion passed unanimously in a vote of 3-0.